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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,661

07/24/2003

Peter Yeung

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51590 7590 01/10/2007  
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CANADA

EXAMINER

BASICHAS, ALFRED

ART UNIT

PAPER NUMBER

3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/625,661

Applicant(s)

YEUNG, PETER

Examiner

Alfred Basichas

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 1, 3-6, 8 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodall (6,820,609) in view of Chiang (5,469,837). Woodall discloses substantially all of the claimed limitations including, among other things,

1. A range hood 20 for exhausting gases comprising: an outer hood body 24; a motor housing 50 having top, bottom and perimeter surfaces defining an enclosure and having an air outlet (see at least fig. 3) and at least one opening 51 defined in said bottom surface, said motor housing being mounted within said hood body (see at least figs. 4,5); a motor 56 and a fan 44 mounted within said motor housing; a unitary tray 54 having a perimeter side walls (see at least fig. 3), a floor, said perimeter side wall extending upwards from the outer perimeter of said floor (see at least fig. 3), at least one air inlet opening being located in said perimeter side wall (see at least fig. 3), said tray being in abutment with said motor housing such that said planar floor is located below said opening in said bottom surface (see at least fig. 3); said tray being sized to be at least as large as said opening in said bottom surface (see at least fig. 3); and a bottom panel 52 connectable to said hood body.

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3. The range hood of claim 1 wherein said perimeter side wall extending from said floor and terminates in an annular ring 54, said annular ring connecting to said motor housing and having a horizontal portion extending radially inward (see at least fig. 3) so as to be positioned below a portion of said fan (see at least fig. 3), said horizontal portion terminating in a downwardly extending edge (see at least fig. 3).

8. The range hood of claim 1 comprising two of said motors and two of said fans and wherein said motor housing comprises two substantially similar air chambers, each chamber having one of said at least one openings defined in said bottom surface, a motor and fan being housed within each chamber above said openings (see at least fig. 2).

10. The range hood of claim 8 further comprising two of said trays, one tray positioned below a first of said air chambers and a second tray positioned below a second of said air chambers (see at least fig. 2).

Woodall does not specifically recite the claimed spray and drain arrangement. Chiang teaches a spray 43,51,52 and drain 41 arrangement for cleaning grease and grime collected by the fan and tray. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the spray and drain taught by Chiang into the invention disclosed by Woodall, so as to provide for cleaning.

Claim is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodall (6,820,609) in view of Chiang (5,469,837), which combination makes obvious substantially all of the claimed limitations. Nevertheless, the combination does not specifically recite the side walls projecting through the opening. The claimed orientation is an obvious modification based on design choice, and depends on manufacturing considerations. In view of the absence of criticality for this particular design, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate it into the invention taught by the combination of Woodall and Chiang, so as to provide for manufacturing considerations.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodall (6,820,609) in view of Chiang (5,469,837), which combination makes obvious substantially all of the claimed limitations. Nevertheless, the combination does not

specifically recite a plurality of inlets. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated plural inlets into the invention disclosed by Woodall and Chiang, since it has been held that to provide duplicate parts for multiplied effect is not the type of innovation for which a patent is granted. *St. Regis Paper Co. v. Bemis Co., Inc.*, 193 USPQ 8, 11.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodall (6,820,609) in view of Chiang (5,469,837), which combination makes obvious substantially all of the claimed limitations. Nevertheless, the combination does not specifically recite,

9. The range hood of claim 8 wherein said tray is adapted to encompass both said openings.

The claimed orientation reciting a single large tray rather than two individual trays is an obvious modification based on design choice, and depends on manufacturing costs and considerations. In view of the absence of criticality for this particular design, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate it into the invention taught by the combination of Woodall and Chiang, so as to provide for manufacturing costs and considerations.

### ***Response to Arguments***

6. Applicants' arguments with regard to the rejected claims, filed July 7, 2006, have been considered, but are moot in view of the new grounds for rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Basichas whose telephone number is 571 272 4871. The examiner can normally be reached on Monday through Friday during regular business hours.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center telephone number is 571 272 3700.

December 28, 2006



Alfred Basichas  
Primary Examiner